

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1995, each agency shall begin the rulemaking process by first filing a Notice of Proposed Rulemaking, containing the preamble and the full text of the rules, with the Secretary of State's Office. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the Arizona Administrative Register.

Under the Administrative Procedure Act (A.R.S. § 41-1001 *et seq.*), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

NOTICE OF PROPOSED RULEMAKING

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 2. ARIZONA RACING COMMISSION

PREAMBLE

1. **Sections Affected:** R19-2-325
Rulemaking Action: Amend
2. **The specific authority for rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 5-104(A)(2)
Implementing statute: A.R.S. § 5-104(G)
3. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: William J. Walsh
Address: Department of Racing
15 South 15th Avenue, Suite 100
Phoenix, Arizona 85007
Telephone: (602) 542-5151
Fax: (602) 542-5177
4. **An explanation of the rule, including the agency's reasons for initiating the rule:**
The amendment strikes language requiring a kennel permit per A.R.S. § 11-1009. The current rule is an unnecessary duplication of an already existing statute requiring counties to issue a kennel permit. The amendment also renumbers the other Sections of the rule necessitated by the deletion of R19-2-325(A)(1).
5. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
None.
6. **The preliminary summary of the economic, small business, and consumer impact:**
None.
7. **The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**
Name: William J. Walsh
Address: Department of Racing
15 South 15th Avenue, Suite 100
Phoenix, Arizona 85007
Telephone: (602) 542-5151
Fax: (602) 542-5177
8. **The time, place, and nature of the proceeding for the adoption of the rule:**
No oral proceedings are scheduled. Contact the person listed above to request 1. At least 5 requests need to be submitted within the 30 days following publication of the proposed rulemaking in order to schedule an oral proceeding.
9. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**
None.

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10. Incorporations by reference and their location in the rules:
None.

11. The full text of the rules follows:

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 2. ARIZONA RACING COMMISSION

ARTICLE 3. GREYHOUND RACING

Section

R19-2-325. Grounds of the Racing Kennel, Breeding Farm, or Other Operation

ARTICLE 3. GREYHOUND RACING

R19-2-325. Grounds of the Racing Kennel, Breeding Farm, or Other Operation

A. General

- ~~1.~~ ~~Racing kennels, breeding farms, and other operations shall have a current kennel permit as may be required by A.R.S. § 11-1009.~~
- ~~2.~~1. Food supplies and bedding materials shall be stored to protect them from contamination or infestation by vermin or other factors which would render the food or bedding unsanitary. All meat shall be kept frozen or refrigerated until such time that it is to be thawed for immediate consumption.
- ~~3.~~2. Washrooms, basins, or sinks shall be readily accessible for maintaining cleanliness among greyhound caretakers and sanitizing of food and water utensils. Running water shall be immediately available and hot water shall be obtainable on the premises to properly disinfect dishes, utensils, or other equipment.
- ~~4.~~3. Waste materials shall be removed at least daily and disposed of at least weekly to minimize vermin infestation, odors, and disease hazards.

~~5.~~4. Dropping buckets shall have lids in place except while in use and shall be stored in an area removed from kennel housing and run housing.

~~6.~~5. Space shall be provided to prevent crowding and to allow freedom of movement and comfort to the greyhounds.

~~7.~~6. Females in estrus shall not be housed with racing dogs or males except for breeding purposes.

~~8.~~7. Cleaning supplies and pesticides shall be stored in a secure area completely separate from food, bedding storage, and greyhounds.

~~9.~~8. The grounds shall be free of weeds and other materials that may constitute a fire or other hazard and that may create a breeding ground for fleas and ticks.

~~10.~~9. Racing kennels, breeding farms, and other operations in Arizona shall apply for a license to operate from the Department. Greyhounds bred, whelped, raised, trained, or kenneled by unlicensed Arizona operations shall not be eligible to race within Arizona.

B. No change.

1. No change.
2. No change.
3. No change.
4. No change.
5. No change.
6. No change.
7. No change.
8. No change.